

1  
2  
3  
4  
5  
6  
7  
8  
9                   UNITED STATES DISTRICT COURT  
10                   WESTERN DISTRICT OF WASHINGTON  
11                   AT TACOMA

12                 DOUGLAS DUTTER,  
13                  Plaintiff,  
14                  v.  
15                  MICHAEL J. ASTRUE,  
16                  Commissioner of Social Security,  
17                  Defendant.

Civil No. 3:09-CV-5481-FDB

ORDER OF REMAND

18                 Based on the stipulation between the parties, it is hereby ORDERED that the above-  
19                  captioned case be reversed and remanded a de novo hearing pursuant to sentence four of 42  
20                  U.S.C. § 405(g). Upon remand, the Administrative Law Judge (ALJ) will reevaluate all the  
21                  medical and professional evidence of record and indicate the weight given to this evidence. The  
22                  ALJ will update the medical evidence. The ALJ will consider whether Plaintiff's headaches are  
23                  a severe impairment and determine the resulting limitations. The ALJ will reconsider Plaintiff's  
24                  subjective allegations, taking into consideration the lay testimonies of record. The ALJ will re-  
25                  evaluate Plaintiff's residual functional capacity. The ALJ will perform a new step four, and if

1 necessary, step five analysis. This remand will be limited to the period prior to December 1,  
2 2008, and will not disturb the favorable portion of the ALJ's decision finding Plaintiff disabled  
3 as of December 1, 2008. Plaintiff may submit additional evidence and arguments to the ALJ on  
4 remand. The parties agree that reasonable attorney fees and expenses should be awarded, upon  
5 proper application, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

6 DATED this 11<sup>th</sup> day of February 2010.  
7

8   
9

10 FRANKLIN D. BURGESS  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14 Recommended for Entry:  
15 this 11<sup>th</sup> day of February, 2010.  
16  
17  
18  
19  
20  
21  
22  
23  
~

15 /s/ J. Richard Creatura  
16 J. Richard Creatura  
United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23